

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1926 – SB 2204**

April 13, 2018

**SUMMARY OF ORIGINAL BILL:** Increases, from \$3.00 to \$5.00, the amount a register is authorized to charge and collect for the register's services associated with the marginal release of a lien.

**FISCAL IMPACT OF ORIGINAL BILL:**

Increase Local Revenue – Exceeds \$100,000/Permissive

**SUMMARY OF AMENDMENT (017231):** Deletes all language after the enacting clause. Requires a prevailing party in an action challenging the validity of a lien to recover reasonable attorney's fees, reasonable costs, and liquidated damages in an amount equal to 10 percent of the fair market value of the property not to exceed \$300,000, in addition to any actual damages. Prohibits real property owners from such recoveries when the action is based on a loan agreement in which the encumbered party is listed as collateral to secure repayment of the loan.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Any increase in caseloads to the courts will be absorbed utilizing existing resources.
- Any impact to the court system is estimated to be not significant.
- Any impact resulting from requiring a prevailing property owner in an action challenging the validity of a lien to recover certain costs will be borne by private parties.
- Any impact to state or local government is estimated to be not significant.

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**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj